




# KANSAS DEPARTMENT OF CORRECTIONS

	<b>INTERNAL MANAGEMENT POLICY AND PROCEDURE</b>	<b>SECTION NUMBER</b>  <b>14-105</b>	<b>PAGE NUMBER</b>  <b>1 of 15</b>
		<b>SUBJECT:</b>  <b>PAROLE SERVICES: Interstate Compact for Adult Offender Supervision</b>	
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<b>Reissued By:</b>  <b>Policy &amp; Procedure Coordinator</b>		The substantive content of this IMPP has been reissued as per the appropriate provisions of IMPP 01-101. The only modifications within the reissue of this document concern technical revisions of a non substantive nature.  <b>Date Reissued:</b>	
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## POLICY

The Interstate Compact for Adult Offender Supervision was developed and implemented to promote the orderly, seamless movement of offenders between states. The Interstate Compact carries the force of federal law and as such, its contents must be considered as mandated.

The ability of offenders to transfer between states shall be based upon the greater potential of achieving success in another state. No offender shall be allowed to relocate to another state without first obtaining approval from the receiving state.

All written documentation to be relayed to other states pertaining to interstate compact offenders shall be entered in the Interstate Compact Offender Tracking System (ICOTS) and shall be submitted within time frames designated by the Compact. Any verbal communication shall be routed through the Kansas Interstate Compact Office.

Misdemeanor cases referred to Kansas for supervision shall be supervised by Kansas Court Services staff. All other cases shall be supervised by Parole Services staff.

## DEFINITIONS

**Deferred Sentence:** A determination imposed by the court delaying either the imposition or execution of the sentence based upon completion of specified terms.

**Expedited Transfer:** An accelerated transfer process utilized when officials in both the sending state and the receiving state believe that emergency conditions exist for an immediate transfer of the offender.

**Good Time Credits:** Sentence credits earned for good behavior and program participation which when applied to the incarceration portion of the sentence serve to reduce the incarceration term; and when applied to certain post-incarceration periods serve to reduce the sentence discharge date.

**Interstate Compact:** An act granting the consent of the congress of the United States of America to any two or more states to enter into agreements or compacts for cooperative effort and mutual assistance in the prevention of crime and for other purposes (all states plus Puerto Rico, the Virgin Islands, and Washington D.C. are parties to the compact).

**Interstate Compact Offender Tracking System (ICOTS):** The electronic interstate compact database utilized for tracking the movement and supervision of offenders eligible for supervision under the Interstate Compact for Adult Offender Supervision.

Kansas Interstate Compact Administrator (ICA): The person responsible for managing parole interstate compact activities for Kansas.

Misdemeanant: A person guilty of committing a misdemeanor. A misdemeanor is a crime - less serious than a felony - which is punishable by fine or imprisonment in a city or county jail rather than in a state correctional facility. For purposes of this policy, a misdemeanorant is one guilty of committing a misdemeanor as indicated by the sending state.

Receiving State: The state which provides supervision of the offender in behalf of the sending state.

Resident - a person who:

- (1) has continuously inhabited a state for at least one year prior to the commission of the offense for which the offender is under supervision; and
- (2) intends that such state shall be the person's principal place of residence; and
- (3) has not, unless incarcerated, relocated to another state or states for a continuous period of six months or more with the intent to establish a new principal place of residence.

Resident Family - means a parent, grandparent, aunt, uncle, adult child, adult sibling, spouse, legal guardian, or step-parent who:

- (1) has resided in the receiving state for 180 days or longer as of the date of the transfer request; and,
- (2) indicates willingness and ability to assist the offender as specified in the plan of supervision.

Sending State: The state which has legal jurisdiction of the offender.

Significant Violation: A violation which, if committed by a Kansas offender, could result in a recommendation for revocation.

State Council: A group consisting of representatives of various governmental, judicial, legislative and citizen, and victim groups, as defined by K.S.A. 22-4111, whose task is to oversee and administer the state's participation in the interstate compact for adult offenders.

Substantial Compliance: means that an offender is sufficiently in compliance with the terms and conditions of his or her supervision so as not to result in initiation of revocation of supervision proceedings by the sending state.

Third Party State: A state, other than the receiving state, to which the offender transfers from the receiving State.

Victim Sensitive: Any Kansas case with the indication of "victim sensitive" or a case managed as a sex offender.

Walk-in: An offender who reports to a local parole office in person, by telephone, or letter, advising of his/her presence in Kansas, but for whom no request has been received from the sending state.

## **PROCEDURES**

### **I. Eligibility for Supervision**

- A. At the discretion of the sending state, an offender who has either more than 90 days or an indefinite period of supervision remaining shall be eligible for transfer of supervision to a receiving state, and the receiving state shall accept supervision, if the offender, in addition to a valid plan of supervision, complies with the following criteria:
  1. Is in substantial compliance with the terms of supervision in the sending state; and,
  2. Is a resident of the receiving state; or,
  3. Has resident family in the receiving state who have indicated a willingness and ability to assist; and
  4. Can obtain employment in the receiving state or has a visible means of support.

- B. The following offenders shall be eligible for transfer [and receipt of reporting instructions], to a receiving state if they meet the criteria in sections A.1 and A.4 above:
  - 1. An offender who is a member of the military and has been deployed by the military to another state;
  - 2. An offender who lives with a family member who is a member of the military, provided that the offender will live with the family member of the military in the receiving state; and
  - 3. An offender, whose family member with whom he/she resides, is transferred to another state and obtains full time employment, provided the offender will live with the family member in the receiving state.
    - a. The offender should be accepted unless the receiving state can show good cause for rejecting the transfer.
- C. A receiving state may consent to supervision of an offender who does not otherwise qualify for transfer if it is determined that the plan serves the best interest of the offender and the community.
- D. Offenders subject to deferred sentences are eligible for transfer of supervision under the same eligibility requirements, terms, and conditions applicable to all other offenders under the compact.
- E. Although certain misdemeanants are eligible for supervision in Kansas under the Interstate Compact for Adult Offender Supervision, they will be supervised by Court Services.

## **II. Transfer Procedures**

- A. An Interstate Compact request may be submitted if it is determined that the offender meets the eligibility criteria and parole staff determine that the transfer is in the best interests of both the offender and the participating states.
- B. Prior to submission of a transfer request the officer in the sending state shall verify, to the extent possible, the validity of the plan.
  - 1. Verification may include contacting the residence provider or employer by phone, or by contact with other sources in the receiving state.
- C. The offender shall remain in the sending state pending completion of the investigation and receipt of the acceptance report with reporting instructions from the receiving state.
  - 1. Offenders allowed to proceed to the receiving state prior to the completion of the investigation without the knowledge and approval of that state may be rejected solely on the basis of being in that state without permission.
- D. A transfer request shall be prepared in ICOTS and shall contain all documents, (signed as required) cited in on the Transfer Request form and, in addition, should contain the TOADS LSIR profile report:
- E. Investigation requests for offenders confined in a prison shall not be submitted earlier than 120 days prior to the offender's planned prison release date, in the case of determinate sentence offenders, or the parole eligibility date, in the case of indeterminate sentence offenders.
  - 1. The Institutional Parole Officer (IPO) shall notify the receiving state if the offender's parole has been denied.

## **III. Routing and Distribution of Compact Correspondence**

- A. All parole staff who may be involved in the transfer of offenders under the Interstate Compact shall obtain a user name and password from the Kansas Interstate Compact Unit.
  - 1. Once a password is assigned it can be changed by the user who shall be responsible for remembering and safeguarding it
- B. All field generated correspondence shall be entered into ICOTS on the appropriate form .
- C. Interstate Transfer of an offender not eligible for reporting instructions shall be initiated by completion of the Interstate Compact Transfer form and submission of the electronic packet through the supervisor to the receiving state through the interstate compact office for review. In addition to the form the following documents shall be contained in the packet:
  - 1. Information on the instant offense in sufficient detail to describe the type and severity of the offense and whether the charge has been reduced at the time of imposition of sentence;
  - 2. Photograph of the offender;
  - 3. Conditions of supervision;
  - 4. Any orders restricting the offender's contact with victims or any other person;
  - 5. Any known orders protecting the offender from contact with any other person;
  - 6. Information as to whether the offender is subject to sex offender registry requirements in the sending state along with supportive documentation.
  - 7. Pre-Sentence Investigation Report, if available (RDU report may be substituted if the Pre-Sentence Investigation Report is not available).
  - 8. Supervision history, if available; and
  - 9. Any information relating to releasing authority imposed financial obligations, including, but not limited to, fines, court costs, restitution, and family support; the balance that is owed by the offender on each; and the address of the office to which payment must be made.
  - 10. Additional documents such as journal entries or other information may be requested by the receiving state after acceptance. The sending state shall send the documents requested if available.
- D. The original signed Offender Application for Interstate Compact Transfer with supporting documents signed as required shall be maintained with the offender file in the sending state.
  - 1. In addition, the signed Offender Application for Interstate Compact Transfer shall be scanned and attached to the original transfer packet.
- B. All Interstate Compact correspondence from receiving states shall be routed via the same process as that outlined above only through the sending state channels.
  - 1. Upon receipt of the electronic request from the other state, the Kansas Interstate Compact office staff will complete the Compact Base Shell and assign the case to an officer in OMIS. The case will then be assigned to that officer in ICOTS by Interstate Compact staff. The officer assigned the case will be notified by e-mail that case has been assigned for investigation.
    - a. Should the officer determine that the material is lacking in content, a Compact Action Request asking for additional materials shall be sent via ICOTS.

- (1) The interstate compact office shall also be contacted by e-mail citing the deficient case material and requesting assistance.

#### **IV. Transfer of Supervision of Sex Offenders**

- A. Sex offenders are eligible for transfer to another state at the discretion of the Parole Officer.
  1. As with any other offender the sex offender shall not be allowed to proceed to the receiving state until approved reporting instructions or an acceptance of supervision is received.
- B. In addition to the information required in an application for transfer for a non- sex offender, pursuant to section III.C.1-10, in an application for transfer of supervision of a sex offender the sending state shall provide the following information, if available, to assist the receiving state in supervising the offender:
  1. Assessment information, including sex offender specific assessments;
  2. Social History;
  3. Information relevant to the sex offender's criminal sexual behavior;
  4. Victim Information;
    - a) Name, sex age and relationship to the offender;
    - b) Statement of the victim or victim's representative; and
  5. Sending state's current or recommended supervision and treatment plan.

#### **V. Forms.**

- A. All forms to be utilized for Interstate Compact transactions shall be those contained in ICOTS.
  1. Forms specific to Kansas such as the Statement of Charges shall be completed in TOADS and scanned as attachments to the report in ICOTS.

#### **VI. Kansas Requests for Reporting Instructions**

- A. Under no circumstances should an offender be allowed to proceed to another state without an approved plan or approved reporting instructions being relayed.
- B. Requests for reporting instructions from a sending state (Kansas) shall not be initiated except under the most compelling of circumstances, i.e., the offender's adjustment will suffer significantly if travel is not immediately allowed to the other state, however the following exceptions apply:
  1. Transfers of military members – an offender who is a member of the military and has been deployed by the military to another state shall be eligible for reporting instructions and transfer of supervision.
  2. Transfer of offenders who live with family who are members of the military – An offender who meets the following criteria and who lives with a family member who has been deployed to another state shall be eligible for reporting instructions and transfer of supervision provided that the offender will live with the military member in the receiving state:
    - a. Offender has more than 90 days of supervision remaining;
    - b. Has a valid plan of supervision in the receiving state;

- c. Is in substantial compliance with the terms of supervision in the sending state; and,
  - d. Can obtain employment in the receiving state or has a means of support.
- 3. Employment transfer of family member to another state – An offender who meets the criteria as specified in section 2.a.-d. above, and whose family member with whom he or she resides, is transferred to another state by their full time employer, shall be eligible for reporting instructions and transfer of supervision provided that the offender will live with the military member in the receiving state.
- C. In exception cases cited above, documentation of the military deployment or transfer of family member employment shall be included as an attachment to the Request for Reporting Instructions.
- D. The receiving state shall make the determination as to whether the transfer meets the criteria for provision of advance reporting instructions.
- E.. If after initial verification of the plan in the receiving state by the parole officer, or consultation with the parole supervisor or designee, it is determined that a request for reporting instructions should be initiated, the following procedures shall be followed:
  - 1. A Request for Reporting Instructions shall be completed by the parole officer and forwarded to the Kansas Interstate Compact Office through ICOTS.
  - 2. Compact staff will determine if the request meets criteria and contains the required information. If not, the request will be returned to the officer for proper completion.
  - 3. Responses to reporting instructions are relayed directly to the initiating officer from the proposed receiving state in ICOTS.
  - 4. Upon receipt of reporting instructions, the parole officer shall provide a travel permit to the offender and shall prepare a Departure Notice in ICOTS.
    - a. The Departure Notice shall be forwarded to the receiving state in ICOTS.
  - 5. The parole officer shall complete a transfer request packet in ICOTS containing documents cited in section, III.C. 1-10 within a time frame that allows the packet to leave the Kansas Interstate Compact Office no more than seven (7) calendar days following the granting of the offender travel permit.
  - 6. If the receiving state rejects the transfer request for an offender granted a travel permit, or if the officer in Kansas fails to send a completed transfer request by the 7<sup>th</sup> calendar day following the granting of a travel permit, the Kansas officer shall, upon receiving notice of rejection or upon failure to timely send a required transfer request, direct the offender to return to Kansas by a specified date.
  - 7. If the offender does not return to the sending state as directed, a warrant shall be issued.
    - a. Should the offender not return to Kansas as directed, the offender shall continue to be supervised in the receiving state until the warrant is received..
- D. Responsibility for supervision of the offender received via reporting instructions rests with the receiving state upon the offender's arrival and reporting to the parole officer in the receiving state.

## **VII. Requests for Reporting Instructions From Other States**

- A. Any requests for reporting instructions from states other than Kansas, shall be requested through the Kansas Interstate Compact Office via ICOTS.
- B. Upon receipt of the request by Kansas Interstate Compact staff, a determination shall be made as to whether all required information is present.
- C. Upon determination that required information is contained in the documentation, Interstate Compact staff will assign an OMIS number to the case, assign the case to an officer, complete the compact base shell, and assign the case to the officer in ICOTS.
- D. The parole officer shall complete an Arrival Notice when the offender reports in person to the parole officer.
  - 1. The assigned officer shall be responsible for supervision of the case once the offender has arrived and has reported in the State of Kansas.
    - a. Case activation shall be done in accordance with IMPP 14-104.
  - 2. Should the offender fail to report, the parole officer shall:
    - a. Attempt to locate the offender at the cited address, and make contact with any known associates who may know the whereabouts of the offender.
    - b. If the officer is unable to locate the offender, the parole officer shall send an Arrival Notice to the sending state informing them of his failure to report.
- E. Should an investigation packet not be received from the sending state within 10 days of receipt of the reporting instructions request, the parole officer shall submit a Compact Action Request to the sending state requesting the packet.

#### **VIII. Case Assignment for Incoming Investigation Requests**

- A. Upon determination by Interstate Compact staff of eligibility for supervision, either for a standard transfer investigation or for an expedited transfer request, Interstate Compact staff shall assign an OMIS number and complete the OMIS Compact Base Shell, which will allow the case to download into TOADS.
- B. When completing the Compact Base Shell, Interstate Compact staff shall mark the sex offender section as "yes" only if the instant offense is a sex offense.
  - 1. The parole officer assigned to the case must review the case material and make appropriate modifications for sex offender management in TOADS demographics.
  - 2. The officer shall also indicate in TOADS demographics if the offender is required to register under the Kansas Offender Registration Act.
  - 3. Documentation shall be entered into TOADS at each step of the investigation process.
- C. The case will be assigned to an officer responsible for supervision of the area in which the offender is planning to reside.
  - 1. In cases of multiple officers covering the same supervision area, case assignment will be either to a specific person or the Parole Supervisor.
- D. Should the Parole Supervisor determine that the case should be transferred to another officer, an appropriate OMIS movement shall be made citing the new officer and a case reassignment shall be done in ICOTS.

#### **IX. Investigation of the Plan**

- A. The parole officer assigned to conduct the investigation shall review case material to ensure that mandatory documents are present and signed, as required.
  - 1. Missing forms shall be brought to the attention of the sending state via a Compact Action Request in ICOTS.
- B. The parole officer shall investigate the proposed home plan to determine if it is a viable offer and if it is conducive to the offender's favorable adjustment under supervision.
  - 1. If an employment plan is not presented, a determination shall be made as to the means of support for the offender.
- C. If an employment plan is presented, it shall be investigated to determine if it is valid and appropriate.
- D. Any additional information included in the plan such as attendance at school, counseling requirements, etc. shall be investigated and shall be included in the reply.
- E. The decision to accept or deny shall be based upon interstate compact eligibility criteria including the potential for positive adjustment based upon the plan being submitted.
- F. If the parole officer should discover that the offender is already in Kansas at the time of the investigation, and expedited reporting instructions have not been given, the Interstate Compact Office shall be contacted for further instructions.

#### **X. Reply to Investigation**

- A. Upon completion of the investigation the reply shall be documented on the Reply to Transfer Request in ICOTS no later than the due date specified on the Transfer Request ensuring that all blanks are completed including name, address, phone number, ensuring that reporting instructions are specific and clear.
  - 1. The Reply to Transfer Request shall be sent via ICOTS to the sending state via the Kansas Interstate Compact Office.
- B. Any plans being rejected shall be reviewed by the parole supervisor.
  - 1. If the parole supervisor concurs with the rejection, the report shall be forwarded to the sending state via ICOTS by the supervisor with a rationale for the rejection.
  - 2. If the parole supervisor does not concur, the supervisor shall resolve the decision with the parole officer.
- C. If the sending state contests a decision to "reject", Kansas Compact staff shall discuss the case with the sending state compact staff.
  - 1. If the decision is to accept the case, the sending state must resubmit the transfer request through ICOTS.
- D. If the plan is rejected, the parole officer shall make an entry in the TOADS contact notes stating the reason for the rejection.
  - 1. The parole officer shall then close the case in OMIS and any supervision fees assessed shall be referred to the parole supervisor for reversal.

#### **XI. Delinquent Responses**

- A. If a response to a reporting instructions request is not received in two days or an investigation request within 45 days, a Compact Action Request shall be submitted to the receiving state requesting a reply.



1. An e-mail to the Interstate Compact Office requesting assistance may also be submitted.

## **XII. Cancellation**

- A. If parole or facility staff become aware that the offender no longer plans to transfer to another state, the Parole Officer shall send a Compact Action Report indicating the request will be withdrawn and why. The transfer investigation request shall be removed from ICOTS by the field officer.

## **XIII. Closing of Kansas Case Upon Acceptance or Receipt of Reporting Instructions**

- A. The parole officer shall maintain an open file on a transfer case as long as acceptance by the receiving state is pending.
- B. When notification of acceptance is received, the parole officer shall close interest in the case in the following manner:
  1. Issue a travel permit to the offender and prepare a Departure Notice In ICOTS.
  2. Create an appropriate "RD" computer movement record (110 1011) according to the following criteria:
    - a. If the offender is in the receiving State at the time of acceptance, the effective date of transfer shall be the date of the acceptance report.
    - b. If the offender remains in Kansas pending the receipt of an acceptance report from the receiving state, the effective date of transfer (and movement record) shall be the date the parole officer receives an Arrival Notice from the receiving state.
      - (1) The offender shall remain on the Kansas officer's caseload until an Arrival Notice is received.
  3. Forward the file to the regional office for file imaging or storage.

## **XIV. Notice of Arrival**

- A. At the time of an offender's arrival in any state pursuant to a transfer of supervision or the granting of reporting instructions, or upon the failure of an offender to arrive as instructed, the intended receiving state shall immediately notify the state from which the offender departed, and, if applicable, the sending state, through ICOTS of the offender's arrival or failure to arrive.
  1. A receiving state may withdraw its reporting instructions if the offender does not report to the receiving state as directed.

## **XV. Notice of Departure**

- A. At the time of an offender's departure from Kansas pursuant to a transfer of supervision or the granting of reporting instructions, the parole officer shall notify the receiving state by completion of a Departure Notice in ICOTS citing the date and time of the offender's departure and the date by which the offender has been instructed to arrive.

## **XVI. Progress Reports**

- A. The supervising parole officer shall submit a progress report on the approved ICOTS Progress Report Form one year from the date of acceptance for each compact offender under supervision (including mail-in offenders) to the sending state and special reports as requested by the sending state. Progress reports shall include:

1. The offender's name, residence address, telephone number and e-mail address (if applicable);
2. Name and address of the offender's employer;
3. Summary of the offender's conduct, progress, attitude and compliance with the conditions of supervision;
  - a. Non-significant violations shall be submitted on a progress report, however they shall be submitted no later than 30 days from the violation discovery.
4. Programs of treatment attempted and completed by the offender;
5. Information regarding interventions imposed since the previous progress report;
6. The supervising officer's recommendation; and
7. Any other information requested by the sending state that is available in the receiving state.

#### **XVII. Transfer to Third Party States**

- A. Making a request for the transfer of a compact offender to a third party state shall be the responsibility of the sending state, however the supervising parole officer must determine if the offender's department warrants the transfer, and if the plan in the third party state merits transfer consideration.
- B. If the parole officer agrees that a transfer request is justified, the parole officer shall prepare and submit an Transfer Request in ICOTS which is to be sent via a Compact Action Request to the sending state indicating the offender's desire to transfer to a third party state.
  1. The Compact Action Request shall contain pertinent information regarding the offender's plan in the third party state, and shall include a request that the sending state initiate the transfer with the third party state and provide Kansas with reporting instructions.
  2. The parole officer shall also ensure that all forms normally completed for an interstate transfer are prepared with the offender's signature which should be attached as scanned documents to the sending state via ICOTS.
  3. When completing forms for transfer, the sending state shall be entered as the requesting entity rather than Kansas.
- C. In an emergency situation, the supervising parole officer shall submit a Progress Report with pertinent information regarding the proposed transfer.
  1. Emergency situations may include but shall not be limited to the need for the offender to proceed immediately in order to preserve an employment or a home offer, a destitute situation in Kansas which would not allow for the offender's basic needs to be met, or family needs of the offender in the third party state.
- D. Kansas compact staff shall contact the original sending state and request that reporting instructions be obtained from the third party state if they agree that emergency conditions exist.
  1. Reporting instructions or denial of reporting instructions shall be transmitted to the Parole Officer via ICOTS
- E. After permission for the offender to proceed and reporting instructions have been received from the sending state, the parole officer shall:
  1. Prepare a Travel Permit and provide a copy to the offender.

- a. The Travel Permit shall contain reporting instructions for the third party state, citing the sending state and the requesting entity.
2. Advise the offender that Kansas is closing interest and that the sending state should be contacted should any problems arise prior to arrival in and acceptance by the third party state.
3. The parole officer shall also create a Departure Notice and Case Closure Notice which shall be sent to the original sending state via ICOTS.
  - a. If a progress report has not been submitted to the sending state within the last year, one shall be prepared and shall accompany the other documents being sent to the receiving state.
- F. The parole officer shall create an appropriate "RD" computer movement record (1404020 for compact parole cases, or, 1404030 for compact probation cases) and either enter it directly or forward it to the regional data entry operator for entry on the mainframe computer.
  1. The OMIS movement shall be made within two working days of closing the case.

#### **XVIII. Supervision of Interstate Compact Cases in Kansas**

- A. Offenders referred for supervision in Kansas shall receive supervision services consistent with that provided to Kansas offenders.
  1. The duration of the supervision period shall be determined by the sending state; the manner of supervision by the receiving state.
- B. Offenders arriving in Kansas on the basis of reporting instructions shall be supervised at the "high" supervision level if the conviction offense is a person crime, or the "moderate" supervision level if the conviction offense is a non-person crime, until an LSI-R assessment can be completed.
  1. The LSI-R assessment may be completed within 30 days of offender arrival if sufficient information regarding the offender is available; otherwise, the LSIR shall not be completed until appropriate offender case documentation is received from the sending state and an acceptance report is submitted.
  2. Offenders arriving on the basis of reporting instructions shall be subject to supervision practices applying to offenders under active supervision with the exception of classification and case planning.

#### **XIX. Special Conditions**

- A. At the time of the investigation or after assuming supervision after the granting of reporting instructions, the parole officer may impose a special condition on an offender if that special condition would have been imposed on a Kansas offender.
  1. If a special condition is imposed, the parole officer shall notify the f the inability in the Reply to Transfer Request, or, if imposed while the offender is under supervision, notification shall be made to the sending state by Compact Action Request in ICOTS.

#### **XX. Violation Processing.**

- A. Violations shall be processed in accordance with IMPP 14-137.
- B. Significant violations (only) committed by the offender shall be reported to the sending state within 30 calendar days of violation discovery and shall be placed on the Interstate Compact Offender Violation Report form with documentation of any interventions imposed by the officer as well as a disposition recommendation.

1. All violations shall be entered into the TOADS violation database citing Kansas conditions violated. Significant violations may then be copied to the Interstate Compact Violation Report form. Violations corresponding to the sending state conditions shall be added to the Compact Violation Report form following the corresponding Kansas violations.
2. If violations are being cited as significant, an explanation as to why they are significant shall be detailed in the body of the report.
- C. Reports citing significant violations shall always contain a recommendation for warrant issuance and revocation.
- D. Offenders detained on the basis of significant violations, or those in which revocation is being pursued, shall be provided with due process pursuant to IMPP 14-142.
  1. Any waiver of probable cause hearing shall also contain an admission of guilt to all violations; otherwise a probable cause hearing shall be held.
  2. The report of probable cause hearing shall contain all evidence generated during the hearing and shall be forwarded to the sending state.
- E. If the recommendation is for revocation, the Violation Report and accompanying documents containing signatures shall be forwarded in a packet to the sending state via ICOTS with due process documents with signatures being scanned and attached.
- F. Although the sending state has sole discretion as to the return of the offender to the sending state after commission of violations, at the request of the receiving state, the sending state must return the offender after commission of three (3) significant violations.
  1. In this case, significant violations must result from three separate incidents.

#### **XXI. Collection of Offender Fees and Other Costs**

- A. A receiving state may impose a reasonable supervision fee on an offender who the state accepts for supervision, which shall not be greater than the fee charged to the state's own offenders.
  1. A supervision fee of \$25.00 will be assessed to offenders arriving for supervision on the 1<sup>st</sup> of the month following their activation of supervision in Kansas, and monthly, thereafter, unless they are determined to be indigent or meet other criteria for non-assessment of fees.
  2. The sending state is responsible for collecting all fines, family support, restitution, court costs, or other financial obligations imposed by the sending state on the offender and must specify where payments are to be sent, however the parole officer should regularly encourage payment.
    - a. Upon notice by the sending state that the offender is not complying with the obligations set forth in section 2. above, the parole officer shall advise the offender that he/she is in violation of the conditions of supervision and must comply.

#### **XXII. Offender Registration**

- A. Offenders supervised under the terms of the Interstate Compact must comply with the offender registration requirements of the receiving state.
- B. The parole officer must determine if the offender's instant offense and criminal history offenses meet the requirements of K.S.A. 22-4901, et seq. If so, TOADS demographics shall be modified to cite the registration requirement, and the offender shall be informed of their

requirement to register with the Sheriff in the county of their residence within 10 days of their arrival in Kansas and upon subsequent relocation.

1. The supervising parole officer shall request that the offender return their copy of the completed registration form for verification or follow up with the Sheriff to determine if the offender has in fact registered within the appropriate time frame.
2. A copy of the registration form (if available) shall be placed in the Parole File unless registration can be verified by other means such as the KBI website or by contact with the Sheriff's Office.
  - a. In any case, verification of offender registration shall be documented in TOADS.

### **XXIII. Victim Issues**

- A. Before allowing offender movement where the instant offense is a person crime, victim input shall be considered.
- B. Upon sending or receiving a general transfer request or Request for Reporting Instructions form, the Kansas Interstate Compact Office shall send a copy of the request to the Victim Notification Office.
  1. If sending to another state, the Kansas Interstate Compact Office shall include a form instructing the receiving state to contact the DOC Victim Notification office for victim contact information, if necessary.
  2. For General Transfer Requests, Victim Services must check the comments section to clarify if the case is an expedited transfer.
- C. Victim Services will research victim info with the sending/receiving state if necessary.
- D. Victim Services will notify the victim of the request. The victim has 10 business days to respond (plus a 5 day window to allow for receipt of the notice).
  1. For Requests for Reporting Instructions or Expedited Transfers, the victim will be informed that the offender may already have been transferred.
- E. Victim Services will notify the Kansas Interstate Compact Office immediately of any requests for special conditions or safety concerns.
- F. Investigation of the transfer request shall continue through this process.
- G. Working with Kansas Interstate Compact Office, Victim Services must notify the victim within 5 days to inform them how their concerns will be addressed.
- H. Kansas Interstate Compact Staff shall inform Victim Services, on cases designated as victim sensitive, when an offender is to be supervised in Kansas:
  1. Commits a significant violation;
  2. Returns to the sending state where an offender's victim resides;
  3. Departs the receiving state under an approved plan of supervision in a subsequent receiving state; or
  4. Is issued a temporary travel permit.
- I. Victim Services shall provide notification to victims of the status changes listed in section H.
- J. Interstate compact staff shall provide notification to Victim Services of all arrivals and departures.

#### **XXIV. Offender Return to Sending State**

- A. Should an offender request return to the sending state, the parole officer shall complete a Request for Reporting Instructions and submit it to the sending state.
1. Offenders shall not be allowed to return to the sending state without receiving reporting instructions.
  2. Permission to leave Kansas shall not be granted if the offender is under active criminal investigation or has pending criminal charges in Kansas.
  3. The sending state shall provide reporting instructions no later than three business days of receipt of the request.
  4. Upon receipt of the reporting instructions from the Kansas Interstate Compact Office, the parole officer shall issue a travel permit and complete both a Case Closure Notice and a Departure notice which shall both be forwarded to the sending state.
    - a. If a progress report has not been submitted to the sending state within the last year, one shall be prepared and shall accompany the other documents being sent to the receiving state.
  5. If the offender returns to the sending state without permission, the parole officer shall submit a violation report to the sending state via ICOTS.

#### **XXV. Discharge Requests/Closing Interest**

- A. Except in cases known to be excluded from early discharge consideration, the parole officer may submit a discharge recommendation to the sending state anytime the offender's supervision duration, deportment, and status merit discharge consideration. The recommendation shall be made on the Progress Report form.
1. The Progress Report recommending discharge shall be forwarded to the sending state through ICOTS.
- B. The parole officer shall prepare and submit a final Progress Report and Case Closure Notice to the sending state when the offender reaches the discharge date indicated at the time of application for supervision unless informed of a different date by the sending state.
1. The reports shall be forwarded to the sending state via ICOTS.
- C. The parole officer may close an offender's case in the same manner as when the offender discharges in the following circumstances:
1. When the offender absconds and the parole officer has submitted the violation report;
  2. After notification to the sending state of the sentencing of the offender to incarceration for 180 days or longer and receipt from the sending state of a warrant and detainer or other acknowledgement by the sending state of responsibility for the offender within 90 days of notification.
    - a. If the sending state fails to provide the warrant and detainer or other acknowledgement within 90 days of notification, the receiving state may close its supervision of the offender.
- D. The endorsement of the parole officer's supervisor shall not be required.

**NOTE:** The policy and procedures set forth herein are intended to establish directives and guidelines for staff and offenders and those entities that are contractually bound to adhere to them. They are not intended to establish State created liberty interests for employees or offenders, or an independent duty owed by the Department of Corrections to employees, offenders, or third parties. Similarly, those references to the standards of various accrediting entities as may be contained within this document are included solely to manifest the commonality of purpose and direction as shared by the content of the document and the content of the referenced standards. Any such references within this document neither imply accredited status by a Departmental facility or organizational unit, nor indicate compliance with the standards so cited. The policy and procedures contained within this document are intended to be compliant with all applicable statutes and/or regulatory requirements of the Federal Government and the state of Kansas. This policy and procedure is not intended to establish or create new constitutional rights or to enlarge or expand upon existing constitutional rights or duties.

**REPORTS REQUIRED**

None.

**REFERENCES**

Interstate Compact for Adult Offender Supervision Rules  
K.S.A. 22-4110, 22-4111  
IMPP 14-104, 14-111, 14-128, 14-137

**ATTACHMENTS**

None.